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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,728	04/16/2004	Frank Tien	USP2423A-AMT	8823

30265 7590 09/13/2006

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EXAMINER	
PIZIALI, ANDREW T	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,728	TIEN, FRANK	
	Examiner	Art Unit	
	Andrew T. Piziali	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,22-23,26-32* is/are pending in the application.

4a) Of the above claim(s) *15,22 and 23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment and declaration filed on 8/25/2006 have been entered. The examiner has withdrawn the objection and rejections of claims 1-14, 16-21, 24 and 25 based on the cancellation of these claims. Applicant's amendment necessitated the new grounds of rejection presented in this Office action.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 26-29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 3,608,006 to Hosoda et al. (hereinafter referred to as Hosoda).

Regarding claims 26-29, Hosoda discloses a shoe lining for footwear structure comprising a foaming cushion layer made of a composition of a predetermined amount of LDPE (polyethylene made by high pressure) and a predetermined amount of blowing (foaming) agent, and a fabric layer integrally adhered to at least one side of the cushion layer (see entire document

including column 1, lines 4-16, column 2, lines 18-27, and column 2, lines 50-58). Hosoda discloses that a further sheet of cover layer made of fabric may be integrally adhered to the other side of the cushion layer (column 3, lines 62-66 and column 4, lines 62-64).

Hosoda discloses that the cushion layer may be made by milling the polyethylene with a cross-linking agent and a foaming agent, molding the composition into a sheet, and heating the composite at a temperature to form a cross-linked foam cushion (column 1, lines 43-53). Compare to the method disclosed on page 8, lines 6-14 of the current specification. Hosoda does not specifically mention the cushion layer being waterproof and breathable, but considering that the cushion layer is made of identical materials by a substantially identical process, it appears that the cushion layer is inherently waterproof and breathable.

Absent a showing to the contrary, it is the examiner's position that the article of the applied prior art is identical to or only slightly different than the claimed article. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). The burden has been shifted to the applicant to show obvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983). The applied prior art either anticipated or strongly suggested the claimed subject matter. It is noted that if the applicant intends to rely on Examples in the specification or in a submitted declaration to show non-obviousness, the applicant should clearly state how the Examples of the present invention are commensurate in

scope with the claims and how the Comparative Examples are commensurate in scope with the applied prior art.

In the event that it is shown that Hosoda does not disclose the claimed invention with sufficient specificity, the invention is obvious because Hosoda discloses that claimed constituents (such as low density polyethylene, foaming agent, and sandwich construction) and discloses that they may be used in combination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the claimed composite motivated by the expectation of successfully practicing the invention of Hosoda.

Regarding claims 27 and 29, Hosoda discloses that the foaming agent may be azodicarbonamide (column 3, lines 21-30).

Regarding claims 28 and 29, Hosoda discloses that that the lining layer and the cover layer are integrally adhered to the outer and inner sides of the foaming cushion layer (column 3, lines 67-69).

Claim Rejections - 35 USC § 103

5. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,608,006 to Hosoda as applied to claims 26-29 above, and further in view of USPN 4,446,254 to Nakae et al. (hereinafter referred to as Nakae).

Hosoda discloses that additives including ZnO and a stearic acid salts may be added to the cushion layer (column 3, lines 51-61), but Hosoda does not appear to specifically mention the addition of ZnSt (zinc stearate) or a pigment. Nakae discloses that it is known in the crosslinked polyolefin foam art to add a pigment processing agent when a certain color is desired (see entire document including column 8, lines 44-50). Nakae also discloses that it is known in the

crosslinked polyolefin foam art to add zinc stearate, a stearic acid salt, as a lubricant and/or expansion agent (column 11, lines 48-62 and column 24, lines 60-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a pigment and zinc stearate to the cushion layer, as taught by Nakae, because the additives would allow the cushion to have a desired color and because the additives would function as a lubricant and/or an expansion agent.

6. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,435,346 to Ito et al. (hereinafter referred to as Ito) in view of USPN 3,608,006 to Hosoda.

Regarding claims 26-29, Ito discloses a foaming cushion layer made of a composition of a predetermined amount of LDPE and a predetermined amount of blowing (foaming) agent (see entire document including column 3, lines 16-35, column 7, lines 50-61, and column 8, lines 10-21). Ito does not appear to mention integrally adhering a fabric layer to each side of the cushion layer to form a shoe lining for footwear, but Hosoda discloses that it is known in the foamed polyethylene art to integrally adhere a fabric lining layer to both sides of a cushion layer so that the cushion layer possesses a fabric feel and appearance and because it can be used for a broad array of consumer goods including a shoe lining for footwear (see entire document including column 1, lines 4-16, column 2, lines 18-27, column 3, lines 62-69, and column 4, lines 62-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally adhere a fabric lining layer to both sides of the cushion layer and use the article as a shoe lining for footwear, as taught by Hosoda, because the cushion layer would possess fabric feel and appearance and would provide a shoe with cushioning.

Ito discloses that the cushion layer may be made by blending the constituents, shaping, heating to a cross-linking temperature, and mechanically deforming the foamed product to rupture the cell membranes to transform closed cells to open cells (column 3, lines 16-35). Compare to the method disclosed on page 8, lines 6-14 of the current specification. Ito does not specifically mention the cushion layer being waterproof and breathable, but considering that the cushion layer is made of identical materials by a substantially identical process, it appears that the cushion layer is inherently waterproof and breathable.

Regarding claims 27 and 29, Ito discloses that the foaming agent may be azodicarbonamide (column 8, lines 10-21).

Regarding claims 28 and 29, Hosoda discloses that that the lining layer and the cover layer can be integrally adhered to the outer and inner sides of the foaming cushion layer (column 3, lines 67-69). It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally adhere the lining layer and the cover layer to the foaming cushion layer to improve adhesion.

7. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,435,346 to Ito in view of USPN 3,608,006 to Hosoda as applied to claims 26-29 above, and further in view of USPN 4,446,254 to Nakae.

Ito discloses that additives including ZnO, pigment, and/or a stearic acid may be added to the cushion layer (column 8, lines 35-57), but Ito does not appear to specifically mention the addition of ZnSt (zinc stearate). Nakae discloses that it is known in the crosslinked polyolefin foam art to add zinc stearate, a stearic acid, as a lubricant and/or expansion agent (see entire document including column 11, lines 48-62 and column 24, lines 60-68). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to add zinc stearate to the cushion layer, as taught by Nakae, because the additive would function as a lubricant and/or an expansion agent.

8. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,242,634 to Matsumoto et al. (hereinafter referred to as Matsumoto) in view of USPN 3,608,006 to Hosoda.

Regarding claims 26-29, Matsumoto discloses a foaming cushion layer made of a composition of a predetermined amount of LDPE and a predetermined amount of foaming agent (see entire document including column 5, lines 15-54 and column 5, lines 55-66). Matsumoto does not appear to mention a fabric layer integrally adhered to one side of the cushion layer, but Hosoda discloses that it is known in the foamed polyethylene art to integrally adhere a fabric lining layer to both sides of a cushion layer so that the cushion layer possesses a fabric feel and appearance and because it can be used for a broad array of consumer goods including a shoe lining for footwear (see entire document including column 1, lines 4-16, column 2, lines 18-27, column 3, lines 62-69, and column 4, lines 62-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally adhere a fabric lining layer to both sides of the cushion layer and use the article as a shoe lining for footwear, as taught by Hosoda, because the cushion layer would possess fabric feel and appearance and would provide a shoe with cushioning.

Matsumoto discloses that the cushion layer may be made by blending the constituents, shaping, irradiating and thus heating, decomposing cross-linking and foaming agent, forming cells capable of rupture, exerting mechanical deformation thereby stabling intercommunication

among the cells (column 2, lines 30-52). Compare to the method disclosed on page 8, lines 6-14 of the current specification. Matsumoto does not specifically mention the cushion layer being waterproof and breathable, but considering that the cushion layer is made of identical materials by a substantially identical process, it appears that the cushion layer is inherently waterproof and breathable.

Regarding claims 27 and 29, Matsumoto discloses that the foaming agent may be azodicarbonamide (column 5, lines 64-66).

Regarding claims 28 and 29, Hosoda discloses that that the lining layer and the cover layer can be integrally adhered to the outer and inner sides of the foaming cushion layer (column 3, lines 67-69). It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally adhere the lining layer and the cover layer to the foaming cushion layer to improve adhesion.

9. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,242,634 to Matsumoto in view of USPN 3,608,006 to Hosoda as applied to claims 26-29 above, and further in view of USPN 4,446,254 to Nakae.

Matsumoto discloses that additives including ZnO, pigment, and/or a stearic acid may be added to the cushion layer (column 6, line 64 through column 7, line 14), but Matsumoto does not appear to specifically mention the addition of ZnSt (zinc stearate). Nakae discloses that it is known in the crosslinked polyolefin foam art to add zinc stearate, a stearic acid, as a lubricant and/or expansion agent (see entire document including column 11, lines 48-62 and column 24, lines 60-68). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to add zinc stearate to the cushion layer, as taught by Nakae, because the additive would function as a lubricant and/or an expansion agent.

10. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Application Publication 56-146732 to Ichii et al. (hereinafter referred to as Ichii) in view of USPN 3,608,006 to Hosoda.

Regarding claims 26-29, Ichii discloses a foaming cushion layer made of a composition of a predetermined amount of LDPE and a predetermined amount of foaming agent (see entire document including patent abstract). Ichii does not appear to mention a fabric layer integrally adhered to one side of the cushion layer, but Hosoda discloses that it is known in the foamed polyethylene art to integrally adhere a fabric lining layer to both sides of a cushion layer so that the cushion layer possesses a fabric feel and appearance and because it can be used for a broad array of consumer goods including a shoe lining for footwear (see entire document including column 1, lines 4-16, column 2, lines 18-27, column 3, lines 62-69, and column 4, lines 62-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally adhere a fabric lining layer to both sides of the cushion layer and use the article as a shoe lining for footwear, as taught by Hosoda, because the cushion layer would possess fabric feel and appearance and would provide a shoe with cushioning.

Ichii discloses a method of making a polyethylene resin open cell cellular body by partially decomposing a foaming (expanding) and a crosslinking agent in a foamable and crosslinkable composition of polyethylene resin material in a closed mold, then decomposing the remaining parts of the foaming and crosslinking agents under an atmospheric pressure to obtain a body with closed cells from the composition, and finally compressing the thus obtained body to

cause the closed cells to be destructed (see column 1, lines 13-24 of USPN 6,517,764). Compare to the method disclosed on page 8, lines 6-14 of the current specification, which is noticeably word-for-word identical. Ichii does not appear to specifically mention the cushion layer being waterproof and breathable, but considering that the cushion layer is made of identical materials by an exactly identical process (word for word), it appears that the cushion layer is inherently waterproof and breathable.

Regarding claims 27 and 29, Hosoda discloses that the foaming agent may be azodicarbonamide (column 3, lines 21-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the foaming agent from any suitable foaming agent material, such as azodicarbonamide, as taught by Hosoda, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability and desired characteristics.

Regarding claims 28 and 29, Hosoda discloses that that the lining layer and the cover layer can be integrally adhered to the outer and inner sides of the foaming cushion layer (column 3, lines 67-69). It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally adhere the lining layer and the cover layer to the foaming cushion layer to improve adhesion.

11. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Application Publication 56-146732 to Ichii in view of USPN 3,608,006 to Hosoda as applied to claims 26-29 above, and further in view of USPN 4,446,254 to Nakae.

Hosoda discloses that additives including ZnO and a stearic acid salts may be added to

the cushion layer to accelerate gas evolution (column 3, lines 51-61). Nakae discloses that it is known in the crosslinked polyolefin foam art to add a pigment processing agent when a certain color is desired (see entire document including column 8, lines 44-50). Nakae also discloses that it is known in the crosslinked polyolefin foam art to add zinc stearate, a stearic acid salt, as a lubricant and/or expansion agent (column 11, lines 48-62 and column 24, lines 60-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a pigment, zinc oxide, and zinc stearate to the cushion layer, because the additives would allow the cushion to have a desired color, improve gas evolution, and because the additives would function as a lubricant and/or an expansion agent.

Response to Arguments

12. Applicant's arguments filed 8/25/2006 have been fully considered but they are not persuasive.

The applicant asserts that Hosoda fails to teach or suggest forming a shoe lining for footwear. The examiner respectfully disagrees. Hosoda discloses that the invention can be used to form a shoe lining for footwear (column 2, lines 18-27).

The applicant asserts that the cushion disclosed by Hosoda is not waterproof and air breathable because Hosoda does not mention electron-beam irradiation. The examiner respectfully disagrees. Hosoda discloses that the cushion layer may be made by milling the polyethylene with a cross-linking agent and a foaming agent, molding the composition into a sheet, and heating the composite at a temperature to form a cross-linked foam cushion (column 1, lines 43-53). Compare to the method disclosed on page 8, lines 6-14 of the current specification. Hosoda does not specifically mention the cushion layer being waterproof and

breathable, but considering that the cushion layer is made of identical materials by a substantially identical process, it appears that the cushion layer is inherently waterproof and breathable.

Absent a showing to the contrary, it is the examiner's position that the article of the applied prior art is identical to or only slightly different than the claimed article. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). The burden has been shifted to the applicant to show obvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983). The applied prior art either anticipated or strongly suggested the claimed subject matter. It is noted that if the applicant intends to rely on Examples in the specification or in a submitted declaration to show non-obviousness, the applicant should clearly state how the Examples of the present invention are commensurate in scope with the claims and how the Comparative Examples are commensurate in scope with the applied prior art.

It is noted that the current specification discloses that the claimed cushion layer is waterproof because polyethylene is water repellant and the cushion is air breathable (permeable) because it is a foam with air channels (see page 6, lines 19-22). Considering that the cushion of Hosoda is a polyethylene foamed cushion layer, it is inherently waterproof and air breathable.

The applicant asserts that Hosoda fails to teach or suggest a foaming agent or the use of LDPE. The examiner respectfully disagrees. Hosoda clearly discloses the use of

azodicarbonamide (column 3, lines 21-30) and that polyethylene made by high pressure (also known as LDPE) may be used (column 2, lines 18-27 and 50-58).

The applicant asserts that Hosoda fails to teach or suggest sandwiching the foamed layer between integrally attached linings. The examiner respectfully disagrees. Hosoda discloses that that the lining layers are integrally adhered to the outer and inner sides of the foaming cushion layer (column 3, lines 67-69 and column 4, lines 62-64).

The applicant asserts that the foamed sheet of Hosoda is not the equivalent to the foaming cushion layer of the instant invention. The examiner respectfully disagrees. It is well settled that unsupported arguments are no substitute for objective evidence. The specification fails to teach or suggest that a foamed sheet made by the process disclosed by Hosoda is patentably distinct from the foaming cushion layer of the instant invention.

The applicant asserts that Hosoda fails to teach or suggest the use of azodicarbonamide. The examiner respectfully disagrees. Hosoda clearly discloses the use of azodicarbonamide (column 3, lines 21-30).

The applicant asserts that Hosoda fails to teach or suggest the addition of ZnSt (zinc stearate) or a pigment. The examiner contends that applicant's argument is not commensurate in scope with the current rejection. Hosoda discloses that additives including ZnO and a stearic acid salts may be added to the cushion layer (column 3, lines 51-61), but Hosoda does not appear to specifically mention the addition of ZnSt (zinc stearate) or a pigment. Nakae discloses that it is known in the crosslinked polyolefin foam art to add a pigment processing agent when a certain color is desired (see entire document including column 8, lines 44-50). Nakae also discloses that it is known in the crosslinked polyolefin foam art to add zinc stearate, a stearic acid salt, as a

lubricant and/or expansion agent (column 11, lines 48-62 and column 24, lines 60-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a pigment and zinc stearate to the cushion layer, as taught by Nakae, because the additives would allow the cushion to have a desired color and because the additives would function as a lubricant and/or an expansion agent.

The applicant asserts that Nakae fails to teach or suggest how to equip a cushion layer with ZnSt (zinc stearate) or a pigment. The examiner contends that Hosoda discloses that additives including ZnO and a stearic acid salts may be added to the cushion layer (column 3, lines 51-61). Considering that Hosoda discloses that such an addition step is "conventional" it is clear that one skilled in the art knows how to equip a cushion layer with additives.

Regarding the submitted commercial success declaration, it is noted that some of the claims are rejected under 35 U.S.C. 102(b). Therefore, a showing of nonobviousness is not sufficient. In addition, the declaration fails to determine that the commercial success alleged is directly derived from the invention claimed. Merely showing that there was commercial success of an article, which embodied the invention, is not sufficient. In a marketplace where the consumer is free to choose on the basis of objective principles, success may be the result of heavy promotion or advertising, shift in advertising, consumption by purchasers normally tied to applicant or assignee, or other business events extraneous to the merits of the claimed invention, etc. Commercial success may have been attributable to extensive advertising and position as a market leader before the introduction of the patented product). Success of invention could also be due to recent changes in related technology or consumer demand.

Conclusion

13. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

atp

9/11/06

ANDREW T. PIZIALI
PATENT EXAMINER